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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency, Agricultural Conservation and Adjustment Administration

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN THE PRODUCTION, CULTIVATION, OR HARVESTING OF SUGARCANE IN HAWAII DURING THE PERIOD JANUARY 1, 1942, THROUGH DECEMBER 31, 1942

Pursuant to section 301 (b) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.34e *Fair and reasonable wages for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the period January 1, 1942, through December 31, 1942.* Persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the period January 1, 1942 (except those who are paid a monthly salary of $100 or more), shall be deemed to have been paid fair and reasonable wage rates if full payment in cash for an 8-hour day (shorter or longer days to be in proportion) is made for all such work at rates not less than the following:

(a) Harvesting operations:

(1) Subject to the provisions of subparagraph (2) of this paragraph, the annual average payment on each farm of all adult workers, excluding operators of mechanical equipment, for work performed on each of the following harvesting operations on a piece rate basis or on a day basis shall be: For cutting, cutting and packing, packing, packing and fluming, fluming, piling, hand loading and hauling sugarcane, laying portable track, and laying portable flumes, and operations connected with mechanical harvesting and loading not elsewhere provided for, not less than $2.00 per 8-hour day.

(2) For all work performed in the foregoing harvesting operations each laborer shall receive an average daily wage for each pay period (not exceeding one month) of not less than $1.60 per 8-hour day for adult male workers and not less than $1.20 per 8-hour day for adult female workers.

(b) Non-harvesting operations:

(1) Subject to the provisions of subparagraph (2) of this paragraph, the annual average payment on each farm of all adult workers, excluding operators of mechanical equipment, for work performed on each of the following non-harvesting operations on a piece rate basis or on a day basis shall be:

For planting, cultivating, fertilizing, irrigating, brooming,[1] and other operations in the production and cultivation of sugarcane not specifically mentioned elsewhere in this determination, not less than $1.50 per 8-hour day.

(2) For all work performed in all operations connected with the production and cultivation of sugarcane, exclusive of work performed under long term cultivation, or irrigation agreements, an average daily wage for each pay period (not exceeding one month) of not less than $1.40 per 8-hour day for adult male workers and $1.05 per 8-hour day for adult female workers.

(3) For all work performed under long term cultivation or irrigation agreements an advance of not less than $1.50 per day for adult male workers and $1.12 for adult female workers.

(c) Women:

(1) In calculating the annual averages provided for in paragraphs (a) and (b),

[1] So-called brooming done directly in connection with the operation of mechanical harvesting equipment shall be considered as covered under subparagraphs (1) and (2) of paragraph (a) above. Other brooming is considered as non-harvesting for the purposes of this determination.

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FEDERAL REGISTER

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the earnings of adult females shall be given a weight of 4/3ds.

(2) For all work performed on a piece rate basis the piece rate shall be not less than the rate for the same operation paid to adult male workers.

(d) Children between the ages of 14 and 16:

(1) For all work performed on a piece rate basis the piece rates shall be not less than the rate for the same operation paid to adult male workers.

(2) For all work performed on a time basis the rate per day of 8 hours shall be not less than $1.00, the rate for shorter days to be in proportion.

(e) Machine operations:

(1) Tractor drivers, truck drivers, and railroad brakemen, not less than 21 cents per hour.

(2) Operators of mechanical loading and harvesting equipment (other than tractors), not less than 28 cents per hour.

(3) Railroad engineers, not less than 31 cents per hour.

(4) Railroad firemen and conductors, not less than 23 cents per hour.

(f) Bonus:

(1) For each month of the period from January 1, 1942, to December 31, 1942, both inclusive, the straight time earnings of employees who are covered in this determination shall be increased by 10 per centum, whenever the average New York daily (including Sundays and Holidays) market price per ton of 96 degree sugar, Hawaiian basis, is $65.00 but not more than $65.49 for the period beginning with the 16th day of the preceding calendar month and ending with the 15th day of the current calendar month, and by an additional one-half of one per centum of each one dollar per ton increase in the average price of said sugar during any of the above described monthly periods. When the price of said sugar reaches $120.00 no further increases shall be made. The above bonus rates shall be applied to the earnings after the wage rates as outlined in paragraphs (a) to (e), inclusive, have been complied with.

Provided, however, That the bonus provisions of this determination may, upon appeal to the Secretary of Agriculture, be modified as to any producer who is able to establish that the payment of the bonus, or any part thereof, will, under present war-time conditions, work an undue hardship on such producer, or seriously impede the production of sugarcane on the farm: *And provided further,* That, in addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar incidentals, unless the furnishing of such is restricted by military authority; *Provided further,* That the foregoing provisions shall not be construed to mean that a producer may qualify for payment who has not paid in full the amount agreed upon between the producer and the laborer; *And provided further,* That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131)

Done at Washington, D. C., this 24th day of April 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-3655; Filed, April 24, 1942; 10:57 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4645]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF NU-TONE LABORATORIES, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j 10) *Misbranding or mislabeling—Results.* In connection with offer, etc., in commerce, of respondent's "aerial eliminators" and "line noise eliminators," or other similar devices, (1) representing that device designated "aerial eliminator" will improve the tonal quality or selectivity of radio receiving sets to which it is attached, render such sets capable of receiving broadcasts from stations more distant than would otherwise be the case, or reduce noises due to static or other causes except at the expense of the incoming program; and (2) representing that device designated "line noise eliminator" when attached to the power line of a radio receiving set will reduce line noises, or noises due to static or electrical interference, or improve the tonal quality of the instrument; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Nu-Tone Laboratories, Inc., Docket 4645, April 20, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent and a stipulation as to the facts entered into between the respondent herein and counsel for the Commission and read into the transcript of this proceeding at a hearing held on February 26, 1942, at Chicago, Illinois, before James A. Purcell, an examiner of the Commission theretofore duly designated by it, which stipulation provides, among other things, that the Commission may proceed upon the facts as stipulated, without further evidence or other intervening procedure, to issue and serve upon the respondent herein findings as to the facts and its conclusion based thereon, and an order disposing of the proceeding, and the Commision having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, Nu-Tone Laboratories, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its devices designated "aerial eliminators" and "line noise eliminators" or any other devices of substantially sim-

ilar construction or possessing substantially similar properties, whether sold under the same names or any other names, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that said device designated "aerial eliminator" will improve the tonal quality or selectivity of radio receiving sets to which it is attached, render such sets capable of receiving broadcasts from stations more distant than would otherwise be the case, perform the function of a radio aerial, or reduce noises due to static or other causes except at the expense of the incoming program;

2. Representing that said device designated "line noise eliminator" when attached to the power line of a radio receiving set will reduce line noises, or noises due to static or electrical interference, or improve the tonal quality of the instrument.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3656; Filed, April 24, 1942; 11:08 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

PART 15—WHEAT FLOUR AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

IN THE MATTER OF A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: ENRICHED FLOUR, ENRICHED BROMATED FLOUR, ENRICHED SELF-RISING FLOUR AND ENRICHED FARINA

Order Further Postponing Effective Date of Requirement of the Ingredient Riboflavin

The Acting Federal Security Administrator, by an order dated May 26, 1941, to become effective January 1, 1942, which was published in the FEDERAL REGISTER for May 27, 1941, made public his action promulgating regulations fixing and establishing definitions and standards of identity for the enriched foods named in the caption hereof (21 CFR §§ 15.010, 15.030, 15.060, and 15.140; 6 F.R. 2574-2582).

Each of said regulations requires that the food for which a definition and standard of identity is established thereby contain, among other ingredients, in each pound thereof not less than 1.2 milligrams of riboflavin.

The requirement that riboflavin be an ingredient of such enriched foods was postponed to July 1, 1942, when it appeared that the supply of riboflavin, in forms suitable for addition to such foods, would not be sufficient to meet demands therefor prior to that date. (6 F.R. 6175)

It appears now that the supply of riboflavin, in such appropriate forms, will not be sufficient by July 1, 1942, to permit the production of the foods on a scale that would meet current demands, but that such supply will be available by April 20, 1943.

It is ordered, Therefore that the effective date of the requirements of said order that each pound of enriched flour, enriched bromated flour, enriched self-rising flour, and enriched farina contain not less than 1.2 milligrams of riboflavin be further postponed to April 20, 1943. (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371)

[SEAL] PAUL V. MCNUTT,
Federal Security Administrator.

APRIL 23, 1942.

[F. R. Doc. 42-3661; Filed, April 24, 1942; 11:38 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 16]

PART 402—LOAN SERVICE DIVISION

CERTAIN EXPENSES FOR TAX SEARCHES AUTHORIZED

The last paragraph of § 402.24 (a)[1] is amended to read as follows:

§ 402.24 *Taxes—Tax searches, authority limitations.* * * *

The General Manager, or the Regional Manager, is authorized to incur expenses for such searches and for photographing, or otherwise reproducing tax search cards or other records of the Tax Section and to approve the amount and payment thereof: *Provided,* That any contract with any one corporation, firm or individual involving an expenditure of more than $500, or involving tax searches for an entire state, division or territory must be previously approved by the General Manager.

(Effective April 1, 1942)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sec. 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k); E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42-3632; Filed, April 23, 1942; 1:03 p. m.]

[1] 6 F.R. 5635.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

PART 301—RULES OF PRACTICE AND PROCEDURE

AN ORDER AMENDING § 301.12 (b) IN PART 301, IN THE RULES OF PRACTICE AND PROCEDURE PROMULGATED JUNE 23, 1937, AS AMENDED, AND ADOPTED AND RATIFIED JULY 1, 1939, BY THE SECRETARY OF THE INTERIOR

Section 301.12 (b) in Part 301, in the Rules of Practice and Procedure promulgated June 23, 1937, as amended, heretofore adopted and ratified July 1, 1939, by the Secretary of the Interior, is hereby amended to read as follows:

§ 301.12 *Specifications as to complaints, petitions, answers, protests, briefs, etc.*

* * * * *

(b) *Size and legibility.* Except as to informal complaints, if typewritten, they must, unless otherwise specifically provided, be on paper not more than 8½ inches wide by 11 inches long, weighing not less than 16 pounds to the ream, with left hand margin not less than 1½ inches wide. The impression may be on both sides of the paper and may be single spaced. Long quotations must in all instances be single spaced and indented. Mimeographed, multigraphed, planographed or photographed or carbon copies will be accepted as typewritten, but hectographed copies or white line blue prints or copies prepared by similar processes will not be accepted. All copies must be clearly legible. (Sec. 2 (a); 50 Stat. 72; 15 U.S.C., 829 (a))

Dated: April 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

Approved: April 16, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-3654; Filed, April 24, 1942; 10:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment No. 47, 2d Ed.]

PART 608—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R., 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (b) of § 608.43 to read as follows:

§ 608.43 *Special provisions concerning travel and subsistence expenses.*

* * * * *

(b) The rates of the per diem in lieu of actual expenses for subsistence authorized by law and regulations represent the maximum allowable and not the minimum. It is the responsibility of the issuing official to authorize only such per diem rates as are justified by the nature of the travel. Care should be exercised to prevent the fixing of a per diem rate in excess of that required to meet the necessary authorized expenses.

* * * * *

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

APRIL 22, 1942.

[F. R. Doc. 42-3636; Filed, April 23, 1942; 1:53 p. m.]

[Amendment No. 46, 2d Ed.]

PART 622—CLASSIFICATION

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respects:

1. Amend § 622.1 to read as follows:

§ 622.1 *Classes.* The local board shall classify each registrant in one of the following classes:

Class I-A: Available for general military service when found acceptable to the land or naval forces.

Class I-A-O: Available for noncombatant general military service when found acceptable to the land or naval forces; conscientious objector.

Class I-B: Available for limited military service when found acceptable to the land or naval forces.

Class I-B-O: Available for noncombatant limited military service when found acceptable to the land or naval forces; conscientious objector.

Class I-C: Member of land or naval forces of United States.

Class I-H: Man deferred by reason of age.

Class II-A: Man necessary in his civilian activity.

Class II-B: Man necessary to the war production program.

Class III-A: Man deferred by reason of dependency.

Class III-B: Man deferred both by reason of dependency and activity.

Class IV-A: Man who has completed service. (In time of war, no registrant shall be placed in this class and all registrants previously placed in this class shall be reclassified.)

Class IV-B: Official deferred by law.

Class IV-C: Neutral aliens requesting relief from training and service and aliens not acceptable to the armed forces.

Class IV-D: Minister of religion or divinity student.

Class IV-E: Available for general service in civilian work of national importance; conscientious objector.

Class IV-E-LS: Available for limited service in civilian work of national importance; conscientious objector.

Class IV-E-H: Man formerly classified in Class IV-E or Class IV-E-LS, since deferred by reason of age.

Class IV-F: Physically, mentally, or morally unfit.

2. Amend § 622.31 to read as follows:

§ 622.31 *Class III-A: Man deferred by reason of dependency.* In Class III-A shall be placed any registrant upon whom one or more dependents, as defined in § 622.32, depend for support in a reasonable manner, and who is not engaged in a civilian activity which is necessary to war production or which is supporting the war effort.

3. Amend the regulations by inserting a new section to be known as § 622.31-1 to read as follows:

§ 622.31-1 *Class III-B: Man deferred both by reason of dependency and activity.* In Class III-B shall be placed any registrant upon whom one or more dependents, as defined in § 622.32, depend for support in a reasonable manner, and who is engaged in a civilian activity which is necessary to war production or which is supporting the war effort.

4. Amend § 622.32 to read as follows:

§ 622.32 *"Dependent" defined.* A person shall be considered a registrant's dependent only when all of the following are satisfied:

(1) Such person must be the registrant's wife, divorced wife, child, parent, grandparent, brother, or sister, or must be a person under 21 years of age, or a person of any age who is physically or mentally handicapped, whose support the registrant has assumed in good faith; and

(2) Such person must either be a United States citizen or live in the United States, its Territories or possessions, or in a cobelligerent country, its territories or possessions; and

(3) Such person, at the time the registrant is classified, must depend in fact for support in a reasonable manner, in view of such person's circumstances, on income earned by the registrant by his work in a business, occupation, or employment (including employment on work relief projects but excluding employment as an enrollee in the Civilian Conservation Corps and similar employment in the National Youth Administration); and

(4) Such person must in fact regularly receive from the registrant contributions (including payments to a divorced wife) to the support of such person, and such contributions must not be merely a small part of such person's support. Even though the registrant is unable to furnish to such person money or other support for temporary periods because of the registrant's physical or economic situation, he may be considered to be regularly contributing to such person's support, if such person and the community look upon the registrant as the normal source of such person's support.

5. Amend the regulations by inserting a new section to be known as § 622.34 to read as follows:

§ 622.34 *Conditions for Class III-A or Class III-B deferment.* (a) No registrant shall be deferred by placing him in Class III-A or Class III-B (1) if he acquired such status on or after September 16, 1940, and before December 8, 1941, unless he is able to present information which convinces the local board, or the board of appeal (if an appeal is taken), or the President (if an appeal is permitted and is taken), when classifying him, that such status was not voluntarily acquired at a time when his selection was imminent or for the primary purpose of providing him with a basis for Class III-A or Class III-B deferment; or (2) if he acquired such status on or after December 8, 1941, unless he is able to present information which convinces the local board, or the board of appeal (if an appeal is taken), or the President (if an appeal is permitted and is taken), when classifying him, that such status was acquired under circumstances which were beyond his control.

6. Amend the regulations by inserting a new section to be known as § 622.35 to read as follows:

§ 622.35 *Allotments and allowances for dependents.* Notwithstanding any other provisions of these regulations, when, as, and if allotments and allowances are provided for dependents of registrants inducted into the land or naval forces, the Director of Selective Service shall prescribe the consideration to be given such allotments and allowances in determining whether or not a particular registrant should be classified in either Class III-A or Class III-B.

7. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

APRIL 21, 1942.

[F. R. Doc. 42-3633; Filed, April 23, 1942; 1:53 p. m.]

[No. 66]

HOME ADDRESS REPORT—ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 166, entitled "Home Address Report," effective im-

mediately upon the filing[1] hereof with the Division of the Federal Register. The supply of the original DSS Form 166 on hand will be used until exhausted.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42-3634; Filed, April 23, 1942; 1:51 p. m.]

[No. 67]

NOTICE TO APPEAR FOR PHYSICAL EXAMINATION—ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 201 "Notice to Registrant to Appear for Physical Examination," effective immediately upon the filing[1] hereof with the Division of the Federal Register. The supply of original DSS Form 201 on hand will be used until exhausted.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

APRIL 9, 1942.

[F. R. Doc. 42-3635; Filed, April 23, 1942; 1:52 p. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-32—ALUMINUM AND MAGNESIUM INC.

Aluminum and Magnesium, Inc., 1 Huron Street, Sandusky, Ohio, engages in the smelting of aluminum and magnesium scrap. Approximately 40% of the Company's deliveries of aluminum are for use in the deoxidizing and alloying of steel. In violation of General Preference Order M-1 and Supplementary Order M-1-a, the Company made deliveries of 45,063 pounds of aluminum which had not been authorized by the Director of Priorities. The Company further violated General Preference Order M-1 and Supplementary Order M-1-a in making deliveries of 133,447 pounds of aluminum despite the fact that such deliveries had been expressly disapproved by the Director of Priorities. Finally, the Company represented to the Aluminum and Magnesium Branch, Office of Production Management, that it had shipped only 769,375 pounds of aluminum during the months of August, September, and October, 1941, when the Company well knew, and admitted that it well knew, that certain deliveries of aluminum during these months, amounting to 130,335 pounds had not been included in the amount of 769,375 pounds reported as delivered. This constituted a wilful misrepresentation to the Aluminum and Magnesium Branch, Office of Production Management.

Because of the violations committed by Aluminum and Magnesium, Inc. of General Preference Order M-1 and Supplementary Order M-1-a, aluminum has been diverted from primary defense needs to non-essential uses. In view of the foregoing facts,

It is hereby ordered:

§ 1010.32 *Suspension Order S-32.* (a) Aluminum and Magnesium, Inc., its successors and assigns, shall not melt any aluminum for use in deoxidizing or alloying steel, except as specifically authorized by the Director of Industry Operations.

(b) Beginning 10 days after the effective date of this Order, and during the remainder of the period in which this Order shall be in effect, Aluminum and Magnesium, Inc., its successors and assigns, shall make no deliveries of aluminum for use in deoxidizing or alloying steel, except as specifically authorized by the Director of Industry Operations.

(c) Aluminum and Magnesium, Inc., its successors and assigns, shall accept no purchase orders and enter into no contracts or commitments for the delivery by it of aluminum for use in deoxidizing or alloying steel, except as specifically authorized by the Director of Industry Operations.

(d) Nothing contained in this Order shall be deemed to relieve Aluminum and Magnesium, Inc., its successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations.

(e) This Order shall take effect April 25, 1942, and shall expire September 30, 1942, at which time the restrictions contained in this Order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3638; Filed, April 23, 1942; 4:05 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-35—TANGLEFOOT COMPANY

The Tanglefoot Company, located at Grand Rapids, Michigan, manufactures gummed tape, fly paper, and certain machines known as "difusors" used for exterminating insects. On October 1, 1941, the Company submitted on Forms PD-3 five separate applications for preference ratings. In these applications the Company represented that certain materials having a value of $53,269.44 were essential to the completion of the Company's U. S. Army Contract QM661-595-41. This contract called for two difusors of a total value of $45.50, and the Company's statements that the materials set forth in its preference rating applications were essential to the completion of the contract constituted wilful misrepresentations to the Office of Production Management, in violation of Priorities Regulation No. 1. Upon the basis of the applications submitted by the Company, preference rating certificates were issued, and the Company obtained certain of the materials ordered. Subsequently, it used such materials not only to complete its U. S. Army Contract but also to fill orders to which no preference ratings had been assigned. This also constituted a violation of Priorities Regulation No. 1.

In view of the foregoing facts,

It is hereby ordered:

§ 1010.35 *Suspension Order S-35.* (a) Deliveries of material to The Tanglefoot Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations, except as specifically directed by the Director of Industry Operations.

(b) No allocation shall be made to The Tanglefoot Company, its successors and assigns, of any material the supply or distribution of which is governed by any Order of the Director of Industry Operations, except as specifically directed by the Director of Industry Operations.

(c) This Order shall take effect immediately and shall expire at midnight on the 23d day of July 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3642; Filed, April 23, 1942; 4:06 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-38—LEWITTES & SONS

Lewittes & Sons with offices at 36 East Thirty-first Street, New York, New York, and a plant at Beacon, New York, is a manufacturer of upholstered furniture. It is subject to the provisions of Conservation Order M-102. During the period from February 24, 1942, to March 5, 1942, the Company used large quantities

[1] Filed with the original document.

of goose and duck feathers in the manufacture of upholstered furniture for the purpose of filling nondefense orders.

These violations of Conservation Order M–102 have resulted in the diversion of goose and duck feathers to uses unauthorized by the Director of Industry Operations. In view of the foregoing facts,

It is hereby ordered:

§ 1010.38 *Suspension order S–38.* (a) Lewittes & Sons, its successors and assigns, shall accept no deliveries from any source of goose feathers, goose down, duck feathers, or duck down and shall not use goose feathers, goose down, duck feathers, or duck down in the manufacture or production of any article except as specifically authorized by the Director of Industry Operations.

(b) Lewittes & Sons, its successors and assigns, shall make no deliveries of any articles containing goose feathers, goose down, duck feathers, or duck down, except as specifically authorized by the Director of Industry Operations.

(c) No person shall deliver to Lewittes & Sons, its successors and assigns, any goose feathers, goose down, duck feathers, or duck down or receive from Lewittes & Sons, its successors and assigns, any article containing goose feathers, goose down, duck feathers, or duck down, except as specifically authorized by the Director of Industry Operations.

(d) Deliveries of material to Lewittes & Sons, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Lewittes & Sons, its successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders, or any other Orders or Regulations of the Director of Industry Operations.

(e) No allocation shall be made to Lewittes & Sons, its successors and assigns, of any material the supply or distribution of which is governed by any Order of the Director of Industry Operations, except as specifically authorized by the Director of Industry Operations.

(f) Nothing contained in this Order shall be deemed to relieve Lewittes & Sons, its successors and assigns, from any restrictions, prohibitions, or provisions contained in any other Order or Regulation of the Director of Industry Operations.

(g) This Order shall take effect on April 26, 1942, and shall expire on August 26, 1942, at which time the restrictions contained in this Order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3641; Filed, April 23, 1942; 4:05 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–39—SUSQUEHANNA WOOLEN CO.

Susquehanna Woolen Company of New Cumberland, Pennsylvania, is a processor of wool operating on the woolen system and is subject to the provisions of Conservation Order M–73. Between January 5 and April 4, 1942, the Company was permitted to put in process only 18,132 pounds of wool for the aggregate of defense and non-defense orders and only 9,066 pounds of wool for non-defense orders. Despite this limitation the Company between January 4 and April 5, 1942, put in process approximately 40,000 pounds of wool for the aggregate of defense and non-defense orders and approximately 19,000 pounds of wool for non-defense orders alone.

These violations of Conservation Order M–73 by Susquehanna Woolen Company have impeded and hindered the war effort of the United States by diverting wool to unauthorized uses. In view of the foregoing facts,

It is hereby ordered, that:

§ 1010.39 *Suspension Order S–39.* (a) Susquehanna Woolen Company, its successors and assigns shall not put in process any wool including virgin wool, noils, waste, reprocessed or re-used wool, or yarn or cloth for non-defense orders except as specifically authorized by the Director of Industry Operations.

(b) Deliveries of material to Susquehanna Woolen Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries to Susquehanna Woolen Company by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders or any other orders or regulations of the Director of Industry Operations except as specifically authorized by the Director of Industry Operations.

(c) No allocation shall be made to Susquehanna Woolen Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations except as specifically authorized by the Director of Industry Operations.

(d) Nothing contained in this Order shall be deemed to relieve Susquehanna Woolen Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations.

(e) This Order shall take effect on April 24, 1942, and shall expire on July 24, 1942, at which time the restrictions contained in this Order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3639; Filed, April 23, 1942; 4:05 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–41—ACME CHEMICAL CO., INC.

Acme Chemical Company, Inc. of New York, qualified under the Health Supplies Rating Plan and Preference Rating Order P–29, Serial No. 654, was issued to it authorizing it to purchase acetic anhydride and salicylic acid for use in the manufacture of aspirin. Thereafter, Acme Chemical Company, Inc. extended the preference rating granted it by Preference Rating Order P–29 to obtain deliveries of 27,360 pounds of acetic anhydride and 18,000 pounds of salicylic acid. Instead of using these chemicals for the purpose specified in connection with the issuance of the Preference Rating Order, Acme Chemical Company, Inc., through its agent Rona Chemicals sold and diverted, at least 8,160 pounds of the acetic anhydride and at least 800 pounds of the salicylic acid purchased by it with the assistance of the preference rating. In addition, Acme Chemical Company, Inc. contracted to sell another 5,000 pounds of the acetic anhydride which it had purchased under the Preference Rating Order.

Acme Chemical Company, Inc. also extended the preference rating granted it by Preference Rating Order P–29 to purchase 720 gallons of iso-propyl alcohol although this material had not been specifically authorized for rating on Form PD–79. Thereafter it sold and diverted this iso-propyl alcohol, through its agent Rona Chemicals, to uses other than those authorized by the Preference Rating Order.

These transactions constituted violations of Preference Rating Order P–29 and Priorities Regulation No. 1, and have impeded and hampered the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts,

It is hereby ordered, That:

§ 1010.41 *Suspension Order S–41.* (a) Deliveries of material to Acme Chemical Company, Inc., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Acme Chemical Company, Inc. by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders or any other orders or regulations of the Director of Industry Operations except as specifically authorized by the Director of Industry Operations.

(b) No allocation shall be made to Acme Chemical Company, Inc., its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations except as specifically authorized by the Director of Industry Operations.

(c) Nothing contained in this Order shall be deemed to relieve Acme Chemical Company, Inc., from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations.

(d) This Order shall take effect immediately and shall expire on October 23, 1942, at which time the restrictions contained in this Order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3640; Filed, April 23, 1942; 4:07 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-42—RONA CHEMICALS

Hans Lowey and Leroy G. Cohen of New York City, doing business as Rona Chemicals, are dealers in chemicals and are closely associated with Acme Chemical Company, Inc. of New York City. Acme Chemical Company, Inc. extended a preference rating granted it under Preference Rating Order P-29 to obtain deliveries of 27,360 pounds of acetic anhydride and 18,000 pounds of salicylic acid. Instead of using these chemicals for the purpose specified in connection with the issuance of the preference rating order, Acme Chemical Company, Inc., through its agent Rona Chemicals, sold and diverted at least 8160 pounds of the acetic anhydride and at least 800 pounds of the salicylic acid purchased by it with the assistance of the preference rating. In addition, Rona Chemicals as agent for Acme Chemical Company, Inc. contracted to sell another 5000 pounds of the acetic anhydride which had been purchased under the preference rating order.

Acme Chemical Company, Inc. also extended the preference rating granted it by Preference Rating Order P-29 to purchase 720 gallons of the iso propyl alcohol. Thereafter, Rona Chemicals acting as agent for Acme Chemical Company, Inc. sold and diverted this iso propyl alcohol to uses other than those authorized by the preference rating order.

These transactions constituted a conspiracy between Rona Chemicals and Acme Chemical Company, Inc. to violate Preference Rating Order P-29 and Priorities Regulation No. 1 which has impeded and hampered the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts,

It is hereby ordered, That:

§ 1010.42 *Suspension Order S-42.* (a) No application for priority assistance now filed or hereafter to be filed by Hans Lowey or Leroy G. Cohen, individually or doing business as Rona Chemicals, its successors and assigns shall be granted.

(b) Deliveries of material to Hans Lowey and Leroy G. Cohen individually or doing business as Rona Chemicals, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Hans Lowey and Leroy G. Cohen individually or doing business as Rona Chemicals by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders or any other orders or regulations of the Director of Industry Operations except as specifically authorized by the Director of Industry Operations.

(c) No allocation shall be made to Hans Lowey and Leroy G. Cohen individually or doing business as Rona Chemicals, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations.

(d) Nothing contained in this Order shall be deemed to relieve Hans Lowey and Leroy G. Cohen, individually or doing business as Rona Chemicals, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations.

(e) This Order shall take effect immediately and shall expire on October 23, 1942, at which time the restrictions contained in this Order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3643; Filed, April 23, 1942; 4:06 p. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

MAXIMUM PRICE REGULATION NO. 119—ORIGINAL EQUIPMENT TIRES AND TUBES

In the judgment of the Price Administrator the prices of original equipment tires and tubes are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of original equipment tires and tubes prevailing between October 1, 1941 and October 15, 1941, and has made adjustment for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 119 is hereby issued.

AUTHORITY: §§ 1315.1451 to 1315.1460, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1315.1451 *Maximum prices for original equipment tires and tubes except original equipment tires and tubes for farm implements.* (a) On and after April 27, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver original equipment tires or tubes and no person shall buy or receive original equipment tires or tubes in the course of trade or business, at prices higher than the maximum prices and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of original equipment tires or tubes to a purchaser if prior to April 27, 1942, such original equipment tires or tubes had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser. The provisions of this section shall not be applicable to sales or deliveries of original equipment tires and tubes for farm implements, the maximum prices of which are established by § 1315.1452.

(b) The maximum price shall be 5% greater than the highest price at which original equipment tires or tubes of the same type, brand name, size and quality were, during the calendar year 1941, sold, contracted to be sold, delivered or transferred by the seller to the same purchaser.

(c) If the seller did not sell, contract to sell, deliver or transfer any original equipment tires or tubes of the same type, brand name, size and quality to the purchaser during the calendar year 1941, the maximum price shall be 5% greater than the highest price at which original equipment tires or tubes of the same type, brand name, size and quality, were, during the calendar year, 1941, sold, contracted to be sold, delivered, or transferred by the seller to a purchaser of the same class.

(d) If the seller did not sell, contract to sell, deliver or transfer original equipment tires or tubes of the same type, brand name, size and quality to a purchaser of the same class during the calender year 1941, the maximum price shall be a price determined by calculating the maximum price for the most comparable purchaser in accordance with the provisions of paragraphs (b) and (c) of this section, and adjusting the price so calculated in accordance with the price differentials prevailing in the industry between such purchasers on December 31, 1941. Within ten days after any original equipment tires or tubes for which the maximum price is established by this paragraph are offered for sale, the seller shall submit in writing to the Office of Price Administration the maximum price he proposes to charge or is charging therefor, and the basis

[1] 7 F.R. 971.

for determining that price. If the Office of Price Administration determines that such maximum price was not arrived at in accordance with the provisions of this paragraph, the maximum price shall be a price established by the Office of Price Administration in writing in accordance with the provisions of this paragraph.

(e) If original equipment tires or tubes of a particular type, size, brand name, or quality were not sold, offered for sale, delivered or transferred by the seller during the calendar year 1941, the maximum price shall be a price determined by calculating the maximum price of the most comparable original equipment tire or tube in accordance with the provisions of paragraphs (b), (c) or (d) of this section and adjusting the price so calculated in accordance with the price differentials prevailing in the industry on December 31, 1941 for differences in type, size, brand name, and quality. Within ten days after such original equipment tires or tubes are offered for sale, the seller shall submit in writing to the Office of Price Administration the maximum price he proposes to charge or is charging therefor, and the basis for determining that price. If the Office of Price Administration determines that such proposed maximum price was not arrived at in accordance with the provisions of this paragraph, the maximum price shall be a price established by the Office of Price Adminstration in writing in accordance with the provisions of this paragraph.

(f) If the seller did not sell, contract to sell, deliver, or transfer any original equipment tires or tubes during the calendar year 1941, the maximum price shall be a price designated in writing by the Office of Price Administration. Such seller shall not sell, offer to sell, deliver, or transfer any original equipment tires or tubes after April 26, 1942, until he has applied for and the Office of Price Administration has made such designation of maximum prices.

§ 1315.1452 *Maximum prices for original equipment tires and tubes for farm implements.* (a) On and after April 27, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver original equipment tires or tubes for farm implements, and no person shall buy or receive original equipment tires or tubes for farm implements in the course of trade or business at prices higher than the maximum prices, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of original equipment tires or tubes for farm implements to a purchaser if prior to April 27, 1942, such original equipment tires or tubes for farm implements have been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

(b) The maximum price shall be determined in the same manner as that provided in § 1315.1451, except that the phrase "5% greater than" shall in every case be stricken from the formula for determining the maximum price.

§ 1315.1453 *Less than maximum prices.* Lower prices than those set forth in §§ 1315.1451 and 1315.1452 may be charged, demanded, paid or offered.

§ 1315.1454 *Adjustable pricing.* No seller of original equipment tires and tubes shall enter into any agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by §§ 1315.1451 and 1315.1452, except that any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1315.1455 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 119 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to original equipment tires and tubes, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

§ 1315.1456 *Records and reports.* (a) Every person making a sale or purchase subject to Maximum Price Regulation No. 119 of original equipment tires and tubes on and after April 27, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each such sale or purchase showing the date thereof, the name and the address of the buyer and seller, the price paid or received, and the quantity of each type, size, brand name, and quality of original equipment tires and tubes, sold or purchased.

(b) Such persons shall submit such other reports to the Office of Price Administration as it may from time to time require.

§ 1315.1457 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 119 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, provided by the Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 119 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.1458 *Petitions for exceptions or amendment.* (a) The Administrator may grant an exception from the maximum prices established by this Maximum Price Regulation No. 119 to any seller of original equipment tires or tubes who shows that the maximum prices established thereby are inadequate in view of his high operating costs as compared with the average operating costs of the industry. In order to obtain such an exception, the seller must file a petition for an exception in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration. In such cases the petitioner should submit, and the Administrator will consider, all relevant data, including the relation of the current, requested and projected realization on original equipment tires and tubes to the total overall return of the petitioner, and the necessity for granting such exception.

(b) Persons seeking any modification of this Maximum Price Regulation No. 119, or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1315.1459 *Definitions.* (a) When used in this Maximum Price Regulation No. 119 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Original equipment tires and tubes" means new rubber tires and tubes sold for the original equipment of passenger-cars, trucks, busses, off-the-road equipment, motorcycles, industrial and commercial tractors, trailers, industrial equipment, and farm implements.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of The Emergency Price Control Act of 1942, shall apply to other terms used herein.

§ 1315.1460 *Effective date.* This Maximum Price Regulation No. 119 (§§ 1315.1451 to 1315.1460, inclusive) shall become effective April 27, 1942.

Issued this 23d day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3645; Filed, April 24, 1942; 9:30 a. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 35 [1]—CARDED GRAY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.

The maximum prices for 8 oz. (2.00 yd.) and for 2.20 yd. Denims, Sanforized, in the four columns at the extreme right of Table IV of § 1316.61 (b) (4), are amended to read as set forth below:

[1] 7 F.R. 1270, 1836, 2132, 2738, 2795.

§ 1316.61 *Appendix A: Maximum prices for cotton goods.*

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(b) * * *

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(4) *Maximum price tables.*

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TABLE IV—DENIMS

[Prices are for all shades and colors]

Type of cloth and yards per pound or ounces per yard	Spot cotton price—cents per pound			
	20.13 to 20.58, inclusive	20.59 to 21.04, inclusive	21.05 to 21.50, inclusive	21.51 to 21.96, inclusive
	Cents per yard			
Denims:				
*	*	*	*	*
Sanforized:				
*	*	*	*	*
2.20 yd	21.75	22.00	22.25	22.50
8 oz. (2.00)	23.25	23.50	23.75	24.00

§ 1316.60 *Effective dates of amendments.*

* * * * *

(b) Amendment No. 2 (§ 1316.61 (b) (4) Table IV) to Revised Price Schedule No. 35, shall become effective as of April 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 22d day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3644; Filed, April 23, 1942; 5:15 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF AN EXTENSION OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE AIRCRAFT MANUFACTURING INDUSTRY

This matter is before me pursuant to section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C., Sup. III, 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes."

On March 17, 1942, the Administrator of the Division of Public Contracts issued a notice (7 F.R. 2159) under which all interested parties were given until April 1, 1942, to show cause why I should not amend the prevailing minimum wage determinations for the aircraft manufacturing industry issued on December 14, 1938 (3 F.R 3044) and on October 18, 1941 (6 F.R. 5342) by the substitution of the following definition of the industry:

The aircraft manufacturing industry is that industry which manufactures airplanes and gliders, aircraft-type engines, aircraft propellers, parts and accessories for the above mentioned products, and specialized aircraft servicing equipment.

The notice was sent to members of the industry, trade unions, trade associations and publications, and was duly published in the FEDERAL REGISTER. All communications and documents received pursuant to the notice have been duly considered.

On evidence more fully described in the notice to show cause it appears that it is advisable to extend the definition of the aircraft manufacturing industry, as set forth in the prevailing minimum wage determinations of December 14, 1938, and October 14, 1941, to include such products as: light commercial aircraft; engines and propellers for light commercial aircraft; parts and accessories for light commercial aircraft and their engines and propellers; gliders; and specialized servicing equipment for ground use, and that the prevailing minimum wage for employees engaged in the manufacture or furnishing of such products is 50 cents per hour.

Upon consideration of all the facts and circumstances, I hereby determine:

§ 202.23 *Aeroplanes, aircraft engines, propellers, accessories, and manufacturing and finishing of parts; Class I aircraft parts; Class II aircraft parts and accessories including ignition equipment.* That the aircraft manufacturing industry is that industry which manufactures airplanes and gliders, aircraft-type engines, aircraft propellers, parts and accessories for the above-mentioned products, and specialized aircraft servicing equipment.

Expressly excluded from the scope of the definition are such commodities as:

Fabricated textile products: Fabric covers (including engine-warming covers); parachutes; safety belts; tow targets; and wind socks.

Pyrotechnics: Cartridges for engine starters; and flares and signals.

Electrical and radio equipment: Batteries; electric wire and cable; intercommunication equipment; landing and navigation lights; lighting systems; radios; and radio compasses.

Rubber products: Rubber de-icing equipment; flotation gear; life preservers and life rafts; bonded rubber mountings and vibration dampers; rubber utilities; and tires and tubes.

Machine shop products and machinery: Bearings; bolts, nuts, rivets, screws and washers; gas refueling systems (including refueling pumps); gears and sprockets; piston rings; springs; and wire rope.

Miscellaneous products: Cameras; fire extinguishers; first aid equipment; gaskets; instruments; lavatory equipment; and lighter-than-air craft.

That the minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C., Sup. III, 35) for the manufacture or furnishing of the products of the Aircraft Manufacturing Industry, as redefined in this determination, shall be 50 cents an hour or $20 for a week of 40 hours, arrived at on a time or piece-work basis.

Nothing in this determination shall be interpreted as abrogating any obligation that may have accrued under the terms of the determinations for the industry issued on December 14, 1938, and on October 18, 1941.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law or agreement, more favorable to employees than the requirements of this determination.

This determination shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Walsh-Healey Public Contracts Act for the products of the Aircraft Manufacturing Industry, as defined above, bids for which are solicited or negotiations otherwise commenced on and after May 7, 1942.

Dated: April 23, 1942.

FRANCES PERKINS,
Secretary.

[F. R. Doc. 42-3647; Filed, April 24, 1942; 9:57 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation

[No. 14]

PART 402—ANNUAL WATER CHARGES [1]

OWYHEE IRRIGATION PROJECT—PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES [2]

MARCH 31, 1942.

1. Announcement is hereby made that water will be furnished during the irrigation season of 1942 (from April 15 to October 15, inclusive) for the irrigation of project lands hereinafter described, upon a water rental basis at rates and upon terms following:

For lands in the Gem, Owyhee, Ontario-Nyssa, Advancement, Payette-Oregon Slope, Bench, Crystal, and Slide irrigation districts, the rental charges for the irrigation season of 1942 for water delivered to or for the farms by government forces, will be one dollar per irrigable acre, payable in advance of the delivery of water by all land owners irrigating during 1942 a whole or a part of their respective holdings, said payment to be made by each land owner for his total irrigable area. For land owners using water during the season of 1942 the payment of one dollar per irrigable acre shall authorize the furnishing of two and one-half (2½) acre-feet of water per irrigable acre and sixty cents per acre-foot will be charged for any water furnished to any tract or farm unit in excess of two and one-half acre-feet per irrigable acre, and shall be payable by the districts to the United States on or before December 1, 1942. If the Gem and Ontario-Nyssa irrigation districts elect to continue operation of their pumping

[1] Affects tabulation in § 402.2e.

[2] Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

plants and old distribution systems at their own expense the charge for two and one-half acre-feet of water delivered to or for the farms in the Ontario-Nyssa district by the district organization and for water delivered to or for the old land farms in the Gem district by the district organization, will be reduced to fifty cents per irrigable acre, payable in advance by each land owner for his total irrigable area and the charge for excess water payable by the districts on or before December 1, 1942, will be reduced to thirty cents per acre-foot, the measurement of water in each case to be made as stated below.

2. For lands in the Gem, Owyhee, Ontario-Nyssa, Advancement, Payette-Oregon Slope, Bench Crystal, and Slide irrigation districts one dollar per irrigable acre will be charged for all lands the owners of which do not use irrigation water during the season of 1942: *Provided*, That if the Gem and Ontario-Nyssa irrigation districts elect to continue operation of their pumping plants and old distribution systems at their own expense fifty cents per irrigable acre will be charged for all lands in the area served by district forces the owners of which do not use irrigation water during the season of 1942. Said amount of one dollar per irrigable acre or fifty cents per irrigable acre, whichever is applicable under the requirements of the immediately preceding sentence, shall be assessed by the respective districts on such lands during 1942 to be paid by said districts to the United States on or before December 31, 1943.

3. No distinction will be made between water pumped from the Snake river and water delivered from the Owyhee reservoir.

4. Electric power used by the Government for pumping water delivered under this notice will be charged to the project as a whole and not to the particular districts for which water may be pumped.

5. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm, except that in the case of the Gem and Ontario-Nyssa irrigation districts, if these districts elect to continue operation of their pumping plants and old distribution systems at their own expense, the water delivered to or for the farms by the district forces will be measured by the government at the pump outlets and at feeders from the Owyhee gravity canals.

6. This notice shall be effective only with respect to lands in each of those districts named above which by formal resolution adopted by its board of directors ratifies this notice and approves the collection of charges under it.

7. Any charges not paid when due will be subject to the penalty charge prescribed by subsection H of section 4 of the act of December 5, 1924, 43 Stat., 672, which provides that one-half of one percent penalty will attach on the day first following the due date, and thereafter an additional one-half percent on the first day of each succeeding month.

8. Individual land owners will make their applications for water and the payments required by this public notice direct to their irrigation district office. Applications by the irrigation districts for water and payments by the districts to the United States on the basis of this public notice will be received at the office of the Bureau of Reclamation, P. O. Box 937, Boise, Idaho.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-3646; Filed, April 24, 1942; 9:52 a. m.]

Notices

WAR DEPARTMENT.

[Civilian Exclusion Order No. 7]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA

APRIL 20, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1 [1] and 2,[2] this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Tuesday, April 28, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Los Angeles, State of California, within the boundary beginning at the point where the Los Angeles-Ventura County line meets the Pacific Ocean; thence northeasterly along said county line to U. S. Highway No. 101; thence easterly along said Highway No. 101 to Sepulveda Boulevard; thence southerly along Sepulveda Boulevard to Wilshire Boulevard; thence westerly on Wilshire Boulevard to the limits of the City of Santa Monica; thence southerly along the said city limits to Pico Boulevard; thence easterly along Pico Boulevard to Sepulveda Boulevard; thence southerly on Sepulveda Boulevard to Manchester Avenue; thence westerly on Manchester Avenue and Manchester Avenue extended to the Pacific Ocean; thence northwesterly across Santa Monica Bay to the point of beginning.

2. A responsible member of each family and each individual living alone in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Tuesday, April 21, 1942, or during the same hours on Wednesday, April 22, 1942, to the Civil Control Station located at:

2422 Lincoln Boulevard,
Santa Monica, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Tuesday, April 28, 1942, will be liable to the criminal penalties provided by Pub. Law 503, 77th Cong., approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3658; Filed, April 24, 1942; 11:35 a. m.]

[Civilian Exclusion Order No. 8]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA

APRIL 20, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1[1] and 2,[2] this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Tuesday, April 28, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Los Angeles, State of California, bounded on the northwest by Wilshire Boulevard, on the northeast by Sepulveda Boulevard, on the southeast by Pico Boulevard, and on the southwest by the northeasterly limits of the City of Santa Monica.

2. A responsible member of each family and each individual living alone in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Tuesday, April 21, 1942, or during the same hours on Wednesday, April 22, 1942, to the Civil Control Station located at:

2110 Corinth Street,
West Los Angeles, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Tuesday, April 28, 1942, will be liable to the criminal penalties provided by Pub. Law 503, 77th Cong., approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving,

[1] 7 F.R. 2320.
[2] 7 F.R. 2405.

or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army, Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3659; Filed, April 24, 1942; 11:34 a. m.]

[Civilian Exclusion Order No. 9]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIF.

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA

APRIL 20, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1[1] and 2,[2] this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Tuesday, April 28, 1942, all persons of Japanese ancestry both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Los Angeles, State of California, within the boundary beginning at the point where the Santa Clara River crosses the Los Angeles-Ventura County line, and following said river in an easterly direction to its intersection with U. S. Highway No. 6; thence along U. S. Highway No. 6 to its intersection with an unimproved road at a point at or near Vincent (about six miles south of Palmdale); thence southerly along the unimproved road, through the San Gabriel Mountains to its junction with California State Highway No. 2 (Angeles Crest Highway); thence southerly along California State Highway No. 2, following Verdugo Road and Glendale Avenue to its intersection with Los Feliz Boulevard; thence westerly on Los Feliz Boulevard to Western Avenue; thence southerly on Western Avenue to its intersection with Franklin Avenue (Hollywood); thence westerly on Franklin Avenue to its intersection with Cahuenga Boulevard; thence northwesterly and westerly on Cahuenga Boulevard and Ventura Boulevard (also known as U. S. Highway No. 101) to the Los Angeles-Ventura County Line; thence following said county line to the point of beginning.

2. A responsible member of each family and each individual living alone in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Tuesday, April 21, 1942, or during the same hours on Wednesday, April 22, 1942, to the Civil Control Station located at:

131 Magnolia Street,
Burbank, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Tuesday, April 28, 1942, will be liable to the criminal penalties provided by Pub. Law 503, 77th Cong., approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army, Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3660; Filed, April 24, 1942; 11:34 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1766-FD]

IN THE MATTER OF D. & W. COAL COMPANY, CODE MEMBER

MEMORANDUM OPINION AND ORDER REOPENING HEARING, STAYING EFFECTIVE DATE OF ORDER, AND NOTICE OF AND ORDER FOR HEARING

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on May 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 2, the complainant, alleging that D. & W. Coal Company, code member, had wilfully violated the Bituminous Coal Code, the Marketing Rules and Regulations, and the Director's Orders Nos. 14, 156, and 288, and praying that an Order be entered either cancelling and revoking the code membership of D. & W. Coal Company or directing D. & W. Coal Company to cease and desist from violations of the Code and regulations thereunder.

Pursuant to Orders of the Acting Director, and after due notice to interested persons, a hearing in this matter was held before W. A. Cuff, an Examiner of the Division, at Pittsburgh, Pennsylvania, at which Paul Doyle, on behalf of D. & W. Coal Company, appeared. The preparation and filing of a report by the Examiner was waived, and the matter was thereupon submitted to the Acting Director, who issued his Findings of Fact, Conclusions of Law and Opinion and entered an Order on April 4, 1942,[1] revoking and cancelling the code membership of D. & W. Coal Company and each of the partners thereof, Paul Doyle and Samuel Woodall, and directing that, prior to any reinstatement of D. & W. Coal Company and the individual partners thereof, Paul Doyle and Samuel Woodall, to membership in the Code, there shall be paid to the United States a tax in the amount of $2,425.64, as provided in section 5 (c) of the Act.

On April 18, 1942, code member filed a motion for the reopening of the hearing for the purpose of taking additional evidence and for a stay of the provision of the Order dated April 4, 1942, revoking the code membership of D. & W. Coal Company. An affidavit in support thereof was filed on April 22, 1942.

Upon a consideration of said motion and affidavit, it appears to the undersigned that the request to reopen the hearing should be granted in order to afford code member an opportunity to introduce additional evidence herein, either concerning the violations of code member or relevant to penalties attendant thereon. The motion to stay the provision of the Order dated April 4, 1942, revoking the code membership of D. & W. Coal Company will be granted by suspending, effective as of April 4, 1942, the provision of the Order of April 4, 1942, revoking the code membership of D. & W. Coal Company and the code membership of the individual partners thereof, Paul Doyle and Samuel Woodall. This suspension is without prejudice to the right to reinstate the effectiveness of the aforesaid provision of the Order of April 4, 1942, if, upon the record as supplemented by the testimony taken at the reopened hearing, it is concluded that the initial Order was proper.

It is, therefore, ordered, That the motion of D. & W. Coal Company for reopening of hearing be and the same hereby is granted and that the hearing be and the same hereby is reopened for the purpose of taking additional evidence, adduced by any party to this proceeding, concerning the violations of D. & W. Coal Company or relevant to the penalties attendant thereon; and

It is further ordered, That the provision of said Order of April 4, 1942, revoking code membership of D. & W. Coal Company and the code membership of the individual partners thereof, Paul Doyle and Samuel Woodall, be and it hereby is suspended as of April 4, 1942, without prejudice to the right of reinstatement; and

It is further ordered, That the reopened hearing be held on May 8, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, at Room 437, New Federal Building, Pittsburgh, Pennsylvania, before W. A. Cuff, a duly designated Examiner of the Division; and

It is further ordered, That the Examiner shall have such power and authority as was conferred upon him by the original Notice of and Order for Hearing in this matter dated July 18, 1941.

Dated: April 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3648; Filed, April 24, 1942; 10:52 a. m.]

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[1] 7 F.R. 2320.
[2] 7 F.R. 2405.

[1] The Order of April 4, 1942, included in its terms The Matter of Pecan Coal Company, code member, Docket No. 1767-FD, which matter was joined with Docket No. 1766-FD for all purposes, pursuant to a motion made at the hearing in which all parties joined. That matter is not concerned herein.

[Docket Nos. B-34, B-48]

IN THE MATTERS OF HIGH POINT COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT, AND SUN COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARINGS

The above-entitled matters having been scheduled for hearings on January 26, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division, Room 214, United States Post Office, Knoxville, Tennessee, by Orders of the Acting Director dated December 8, 1941, and December 6, 1941, respectively, and subsequently rescheduled for hearings on April 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Court Room, Knoxville, Tennessee by Orders dated March 11, 1942; and

The Acting Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the hearings in each of the above-entitled matters be and the same hereby are postponed from 10 a. m. on April 27, 1942, to a date and place to be hereafter designated by appropriate orders; and

It is further ordered, That the Order of the Acting Director in the matter of High Point Coal Company dated December 8, 1941, as amended by Order dated March 11, 1942, and the Order of the Acting Director in the matter of the Sun Coal Company, dated December 6, 1941, as amended by Order dated March 11, 1942, shall in all other respects remain in full force and effect.

Dated: April 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3649; Filed, April 24, 1942; 10:52 a. m.]

[Docket Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, 1462-FD

IN THE MATTER OF THE APPLICATIONS OF PUBLIC SERVICE COMPANY OF INDIANA FOR EXEMPTION UNDER SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF THE ACTING DIRECTOR

The Acting Director of the Bituminous Coal Division entered an Order dated January 21, 1942, in the above-entitled proceedings providing that the applications for exemption heretofore filed by Public Service Company of Indiana in Docket Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323 FD, and 1462-FD be denied, effective as soon as temporary or final minimum prices are established for the mines concerning which such applications for exemption were filed but in no event later than sixty (60) days from January 21, 1942.

The aforesaid order further stated that it is expected that District Board 11 will promptly apply for the establishment of minimum prices for the mines in question. Thereafter District Board 11 filed a Statement of Facts in which it expressed the opinion that an additional thirty (30) days would be required for it to propose said prices in addition to the sixty (60) day period from January 21, 1942, provided in the aforesaid order and it recommended that the said order be modified by providing that the applications of Public Service Company of Indiana for exemption be denied not later than one hundred and twenty (120) days, rather than sixty (60) days from the date of said order. The Acting Director, on March 18, 1942, entered an order modifying the Order dated January 21, 1942, to the extent that the applications were denied effective as soon as temporary or final minimum prices are established for the mines concerning which said applications for exemption were filed but in no event later than ninety (90) days from January 21, 1942.

Thereafter District Board No. 11 filed a petition in Docket No. A-1386 pursuant to section 4 II (d) of the Act proposing the establishment of temporary and final minimum prices for the coals produced at the mines involved. Public Service Company of Indiana objected to the prices proposed by District Board 11 and on April 17, 1942, an informal conference was held at which the District Board and the applicant expressed their respective views as to the propriety of the minimum prices proposed by the District Board. The temporary relief requested for these mines at the informal conference is now receiving consideration by the Acting Director.

On April 17, 1942, Public Service Company of Indiana filed a motion requesting that the Order dated January 21, 1942, be further modified to provide that the denial of the exemption be effective as soon as temporary or minimum prices are established for the mines concerning which such applications for exemption were filed but in no event later than one hundred and twenty (120) days from January 21, 1942. In support of the motion, Public Service Company of Indiana alleges that it will be injurious to it and detrimental to the public interest if the above exemptions are denied prior to the time that minimum prices are established for the coals produced at the mines in question. It appears, therefore, that because of the conditions set forth an extension of time should be granted but not to exceed thirty (30) days.

Now, therefore, it is ordered, That the Order of the Acting Director dated January 21, 1942, be and it hereby is further modified to the extent that the applications for exemption heretofore filed by Public Service Company of Indiana in Docket Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, and 1462-FD be, and they hereby are, denied, effective as soon as temporary or final minimum prices are established for the mines concerning which such applications for exemption were filed, but in no event later than one hundred and twenty (120) days from January 21, 1942.

Dated: April 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3650; Filed, April 24, 1942; 10:52 a. m.]

[Docket No. A-1382]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2, FOR CHANGES IN FREIGHT ORIGIN GROUP NUMBERS AND SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2 FOR RAIL SHIPMENTS

[Docket No. A-1382 Part II]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR ASSIGNMENT OF AN ADDITIONAL SHIPPING POINT FOR THE COALS OF THE DEER STRIP MINE, MINE INDEX NO. 491, IN DISTRICT NO. 2 FOR RAIL SHIPMENTS

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party in Docket No. A-1382 for changes in freight origin group numbers and shipping points for the coals of certain mines in District No. 2 and for the assignment of an additional shipping point for the coals of the Deer Strip Mine, Mine Index No. 491, for rail shipments. Butler Consolidated Coal Company, a code member in District No. 2, by telegram protested the assignment of the additional shipping point proposed for Mine Index No. 491 and subsequently filed a petition of intervention in opposition to such assignment, alleging that such assignment will deprive the said code member of its existing fair competitive opportunities. As indicated in an order issued in Docket No. A-1382, it appears that a reasonable showing of necessity has been made for the granting of the requested relief, except as to Mine Index No. 491.

It appears, therefore, that the portion of Docket No. A-1382 relating to Mine Index No. 491 should be severed from the remainder of that docket and designated as Docket No. A-1382 Part II, and that no temporary relief should be granted as to this mine, pending a hearing to determine whether such assignment will deprive Butler Consolidated Coal Company of its existing fair competitive opportunities.

Now, therefore, it is ordered, That the portion of Docket No. A-1382 relating to Mine Index No. 491 be, and it hereby is, severed from the remainder of that docket and designated as Docket No. A-1382 Part II.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on May 19, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to con-

tinue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an apropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before May 15, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 2 to make the price classifications and minimum prices effective for the coals of the Deer Strip Mine, Mine Index No. 491, of Deer Creek Coal Company, a code member in District No. 2, for rail shipments on Bessemer & Lake Erie Railroad from Bairdsford, Pennsylvania, also effective for rail shipments on Baltimore & Ohio Railroad from Gibsonia, Pennsylvania, and to provide that the adjustments required or permitted of mines in Freight Origin Group No. 84 shall be applicable to such shipments from Gibsonia, Pennsylvania.

Dated: April 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3651; Filed, April 24, 1942; 10:53 a. m.]

[Docket No. B-145]

IN THE MATTER OF A. J. BRIMER, CODE MEMBER

CEASE AND DESIST ORDER

This proceeding having been instituted upon a complaint filed by District Board 13 with the Bituminous Coal Division on October 30, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violations by A. J. Brimer, operating the Sahara No. 2 Mine (Mine Index No. 1192), a code member in District 13, of the Bituminous Coal Act of 1937, the Bituminous Coal Code and the effective minimum prices established thereunder, as follows: By selling, subsequent to July 1, 1941, a substantial quantity of mine run coal, Size Group 13, and 1½" x 0 slack, Size Group 23, at $2.50 and $1.25 per net ton f. o. b. the mine, respectively, whereas the effective minimum prices established therefor were $2.90 and $2.20 per net ton f. o. b. the mine.

Pursuant to an order of the Acting Director and after due notice to all interested parties, a hearing in this matter having been held on February 24, 1942, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Birmingham, Alabama, and all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing;

Appearances having been entered at the hearing by District Board 13 and A. J. Brimer, code member;

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That A. J. Brimer, code member, his representatives, agents, servants, employees, attorneys, successors or assigns and all persons acting or claiming to act in his behalf, cease and desist and he is hereby permanently enjoined and restrained from selling coal at prices below the applicable effective minimum prices or from otherwise violating the Bituminous Coal Act of 1937, the Bituminous Coal Code, the Marketing Rules and Regulations and the Schedule of Effective Minimum Prices for District 13 for Truck Shipments.

It is further ordered, That, code member be notified that if he fails or refuses to comply with this Order, the Division may forthwith apply to a circuit court of appeals or take other appropriate action for the enforcement of this Order.

Dated: April 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3652; Filed, April 24, 1942; 10:53 a. m.]

[Docket No. B-128]

IN THE MATTER OF EVANS & ROWELL, A PARTNERSHIP, ALSO KNOWN AS LANDY EVANS AND AMOS ROWELL, COPARTNERS, TRADING AND DOING BUSINESS UNDER THE NAME AND STYLE OF EVANS & ROWELL, CODE MEMBER

CEASE AND DESIST ORDER

District Board No. 13 having filed a complaint with the Bituminous Coal Division on October 30, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Evans & Rowell, a code member, also known as Landy Evans and Amos Rowell, copartners, operating the Bell No. 1 Mine (Mine Index No. 426) in District No. 13, had wilfully violated the Bituminous Coal Act of 1937, the Bituminous Coal Code, and the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments by selling and delivering to J. O. Springer, on July 26, 1941, approximately 24 tons of Size Group 13 (run of mine) coal at a price of $2.25 per net ton f. o. b. the mine, when the effective minimum price, as set forth in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, was $2.90 per net ton f. o. b. the mine;

After due notice, a hearing in this matter having been held on February 24, 1942, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Birmingham, Alabama, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate in the hearing;

Appearances having been entered at the hearing by District Board No. 13 and Landy Evans and Amos Rowell, Copartners;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinon in this matter, which are filed herewith;

Now, therefore, it is ordered, That the code member, Evans & Rowell, and the partners thereof, collectively and individually, their representatives, agents, servants, employees, successors, or assigns, and all persons acting or claiming to act in their behalf or interest, cease and desist, and they are hereby permanently enjoined and restrained from offering for sale or selling coal produced by them at prices less than the applicable effective minimum prices established in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, or otherwise violating the Bituminous Coal Act of 1937, the Bituminous Coal Code, and the Marketing Rules and Regulations.

It is further ordered, That code member be notified that if code member, or any of the partners thereof, fails or refuses to comply with this Order, the Division may forthwith apply to a circuit court of appeals of the United States or take other appropriate action for the enforcement of this Order.

Dated: April 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3653; Filed, April 24, 1942; 10:53 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-36]

In the Matter of an Amended Definition and Standard of Identity for Canned Peas

Notice is hereby given that the Administrator of the Federal Security Agency, pursuant to the application of 64 canners of peas, constituting a substantial portion of the industry, stating reasonable grounds therefor, and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act, secs. 401 and 701, 21 U.S.C. secs. 341 and 371 (Sup. V, 1939), will hold a public hearing commencing at 10 o'clock in the morning of May 25, 1942, in Room 1039, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., for the purpose of receiving evidence upon the basis of which regulations may be promulgated amending the definition and standard of identity for canned peas.[1] Proposals, which are for the purpose of giving notice of the subject matter to be considered and giving direction to the hearing, are set forth below. Interested persons are notified that the hearing is a fact-finding proceeding, after which it will be determined in accordance with the Act whether an amended definition and standard of identity for canned peas should be established and what the provisions of any such amended definition and standard of identity should be. It is not to be inferred from the fact that proposals made that they represent the views of the Federal Security Agency or that evidence will be adduced by the Agency to support each such proposal.

The suggested amendments are subject to adoption, rejection, amendment, or modification, in whole or in part, as the evidence of record at the hearing may require. All interested persons are invited to attend the hearing either in person or by representative and to offer evidence relevant and material to the subject matter of this notice.

Joseph L. Maguire is hereby designated as Presiding Officer to conduct the hearing in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing.

The hearing will be conducted in accordance with the rules of practice provided for such hearings as published in 21 Code of Federal Regulations, §§ 2.701–2.715 (Sup. 1939).

In lieu of personal appearance, interested persons may proffer affidavits by delivering them to the Presiding Officer at Room 2242 South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., not later than 10 o'clock in the morning of the day of the opening of the hearing. Such affidavits must be submitted in quintuplicate and, if relevant and material, may be received and made a part of the record at the hearing, but the Administrator will consider the lack of opportunity for cross-examination in determining the weight to be given to statements in the affidavits. Every interested person will be permitted to examine the affidavits proffered and to file with the Presiding Officer during the hearing affidavits counter to relevant and material statements of fact and opinion in such original affidavits.

Suggested amendments. The suggested amendments of the petitioners for the hearing are, in substance:

(1) That subsection (a) of the regulation 51.000 establishing a definition and standard of identity for the food known under the common or usual name of canned peas be amended to provide for the addition of inorganic calcium, sodium and magnesium compounds as optional ingredients of canned peas; and

(2) That subsection (f) of such regulation be amended to provide that such substances shall be designated as optional ingredients which shall be named on the label.

The identity of each such substance, suitable for addition to canned peas, will be determined upon the basis of the evidence at the hearing.

[SEAL] PAUL V. McNUTT,
Administrator.

APRIL 23, 1942.

[F. R. Doc. 42-3637; Filed, April 23, 1942, 2:46 p. m.]

[1] 5 F.R. 739.

FEDERAL TRADE COMMISSION.

[Docket No. 4575]

In the Matter of Carolene Products Company, a Corporation

Order Appointing Trial Examiner and Fixing Time and Place for Taking Testimony

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of April, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 5, 1942, at ten o'clock in the forenoon of that day (Central War Time), Hearing Room, Federal Building, Litchfield, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3657; Filed, April 24, 1942; 11:08 a. m.]